



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

06/11/2009

Dr. Glenn R. Seidman
830 West California Way
Woodside, CA 94062

EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/11/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/757,432

01/15/2004

Glenn R. Seidman

4097

TITLE OF INVENTION: METHOD AND APPARATUS FOR SELLING WITH SHORT-BIDDING ON GOODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/11/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590

06/11/2009

Dr. Glenn R. Seidman
830 West California Way
Woodside, CA 94062

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/757,432

01/15/2004

Glenn R. Seidman

4097

TITLE OF INVENTION: METHOD AND APPARATUS FOR SELLING WITH SHORT-BIDDING ON GOODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
-------------	--------------	---------------	---------------------	----------------------	------------------	----------

nonprovisional

YES

\$755

\$300

\$0

\$1055

09/11/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
----------	----------	----------------

ZURITA, JAMES H

3625

705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,432	01/15/2004	Glenn R. Seidman		4097

7590 06/11/2009

Dr. Glenn R. Seidman
830 West California Way
Woodside, CA 94062

EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/11/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 699 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 699 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/757,432	SEIDMAN ET AL.	
	Examiner	Art Unit	
	JAMES ZURITA	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/02/2009.
2. ☒ The allowed claim(s) is/are 54-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|---|

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/04/2008 has been entered.

Response to Amendment

On 02/03/2009, the Office issued a Notice of Non-compliant Amendment noting that claim 58 was missing from the list of claims submitted on 12/04/2008.

On 03/02/2009, Applicant submitted a complete list of claims 54-67.

Applicant's arguments of 03/02/2009 are persuasive. Claims 54-67 are allowed.

Examiner's Amendment

On 06/07/2009, Dr. Seidman approved the following Examiner's Amendment.

Claims 54 and 56 are amended as follows:

Claim 54 (new): A method for electronically managing auctions at auction websites over the Internet that include short-bidding, the method comprising:
at an auction website, creating an auction, which includes entering information about an item, setting a quantity for the item, and setting an asking price for the item,

Art Unit: 3625

where the auction creating is performed via a seller user interface by a single seller at a first client computer;

placing a bid on the item, including setting a bid price, where the bid price may be any price regardless of the asking price for the item and regardless of any bid prices on other bids, if any, for the item, where the bid becomes a short-bid contract when the bid price is less than the asking price, and where the bid is placed via a bid creator user interface by any one of a potential number of purchasing bidders at a second client computer;

providing the seller with information on the short-bid contracts, if any, for the item, and receiving from the seller an indication of whether to accept any particular short-bid contract, where the providing and receiving are performed by the seller via a bid review user interface at the first client computer; and

at the auction website, executing a short-bid sale of the item in a particular short-bid contract upon receipt of the acceptance indication for the particular short-bid contract.

Claim 56 (new): A system for electronically managing auctions that include short-bidding, the system comprising:

a memory device to store sets of instructions; and at least one processor coupled with the memory device to execute the set of instructions, wherein the sets of instructions cause the at least one processor to:

Art Unit: 3625

implement an auction creator user interface configured to allow a single seller to create an auction by entering information about an item, by setting a quantity for the item, and by setting an asking price for the item;

implement a bid creator user interface configured to allow each one of a plurality of purchasing bidders to place a bid on the item, and to set a bid price regardless of the asking price for the item and regardless of any bid prices on other bids for the item, and where when the bid price is less than the asking price then the bid becomes a short-bid contract;

implement a bid reviewer user interface configured to provide the seller with information on the short-bid contracts, if any, for the item, and to receive from the seller an indication of whether to accept any particular short-bid contract; and

implement a sale executor configured to execute a short-bid sale on the item in the particular short-bid contract when the bid reviewer receives the acceptance indication for a particular short-bid contract.

Examiner's Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Applicant acts as his own lexicographer and identifies short-bidding and short-bid contracts to include situations where buyers post amount(s) certain for a quantity of goods being sold.

...that track all bids for a seller of a good so that the seller can know at any point in time during the sale of a good, the price or prices that buyers are willing to pay for the item even when they are not willing to pay the posted price. All of this takes place during a live auction. When a bid is less than the price posted, this is known as a "short-bid".

Art Unit: 3625

Such software apparatuses are embodied as a short-bidding Auction Manager and associated software subsystems and files associated therewith.[0001]

... "short-bidding" ... enables sellers to know what potential buyers will pay for a good, real or electronic, and subsequently and immediately execute on that knowledge if and when desired. In accordance with one or more embodiments of the present invention, the advantageously obtained knowledge is realized by providing the means to make each bid contractual and by providing the means to collect and track each bid so that some or all may be executed on at the seller's discretion.[0015]

... Unlike typical auctions, auctions in the present invention can have a duration that lasts forever with a posted price but where short-bids are collected and potentially honored by the seller at any point in time during an indefinitely long period of time. The "infinite" quantity checkbox is employed for electronically downloadable goods where any number of purchases and subsequent downloads may take place. The "none" checkbox for price allows sellers to not have to post a price at all. In this case, all bids are considered short-bids such that all bids are subject to the acceptance of the seller.[para 0020]

One embodiment of the present invention provides a "show highest short-bid" checkbox, as shown in the bottom left of FIG. 2.... This can motivate potential purchasers to bid higher prices even though they plan to enter a short-bid. Embodiments may also choose to control whether or not the quantity requested of the highest short-bids is also to be displayed, or implement to always or never display quantity information.[0021]

... Most embodiments of the present invention will employ a derivative of the Auction Creator user interface screen to represent a very similar Auction Editor user interface screen. Such a screen will allow the seller to modify any or all auction details for an item. The posted auction item price may even be increased or decreased. Note that a decrease should cause embodiments of the present invention to execute sales transactions for any short-bids that are at the new lesser price.[0022]

... embodiments with such a pushbutton to offer buyers a means for entering multiple bids where the bid changes depending on the time interval. Such embodiments recognize four distinct categories of bids: active bids (short-bids which are eligible for acceptance during their specified time interval), inactive expired bids (short-bids which were active but which are past their end time), inactive future bids (bids which will be active when the time reaches their start time), and successful bids (bids which have been accepted and have executed the corresponding sales transaction).[0027]

Most sellers will employ the Bid Reviewer user interface screen to examine some or all short-bids as depicted on the right of FIG. 4. As such, embodiments of the present invention will tend to incorporate the checkboxes next to the bids and a "Sell" pushbutton so that the seller can decide which short-bids to accept and executes sales transactions immediately. While FIG. 4 depicts specific information about each bid, different embodiments may choose to display any, all, or more information about each bid. Note that FIG. 4 also shows that more information about a bid may be displayed when a specific bid is selected. Those skilled in the art will realize that many approaches for the organization and presentation of bid information is available.[0039]

... embodiments can work with other auction sites even when they don't support short-bid auctioning directly. These embodiments require that the auction site support an ability to submit bids below a seller's set price as well as below other bidders' bids. This is not

Art Unit: 3625

possible on any of the popular auction sites when only one item is being auctioned. This is known as a Chinese auction on eBay. When supply for an item is greater than one, the requirements would somewhat be met on eBay if the site allowed reserve pricing on Dutch auctions. Note that even in this case, short-bids could not be entered once the number of bids exceeded the quantity available. As long as the number of bids is less than the quantity and below a reserve price, the external Bid Reviewer and Bid Analyzer could retrieve the short-bids and process them as described with the Bid Manager and Sales Executor external to the auction site. Those skilled in the art will recognize how to perform these activities external to the auction site. [0045]

Applicant's comments concerning Gupta (7,130,815) are particularly helpful in understanding applicant's invention. Each distinction is supported by the claims:

1) the role of the auction creator/initiator (seller for Applicants vs. purchaser for Gupta...

...Sellers create auctions in Applicants' invention as claimed. Applicants' invention provides means for only sellers to create and start an auction. In contrast, Gupta's invention provides means for only purchasers to create an auction. Page 16 of response.

2) the active competitive bidders (purchasers for Applicants vs. sellers for Gupta)...

...Purchasers compete to win auction in Applicants' invention as claimed Applicants' invention provides for purchasers to competitively bid on an item for auction...In contrast, **Gupta's** invention provides the means for only sellers (called "distributors" in Gupta) to competitively make an offer on an item or service to sell relative to a customer's bid price. Page 17 of response:

3) the optimal direction of bids (ascending for Applicants vs. descending for Gupta)...

... Purchaser bids in Applicants' invention are optimal when they ascend as in a forward auction, but may ascend or descend as claimed. Applicants' invention is a variation of a forward auction. In general, when purchasers are competing to buy an item, the higher the bid, the better the bid is for the item. As such, in a Short bid auction when bids are made public, the auction will tend to ascend...In contrast, Gupta teaches a reverse auction. Gupta provides for competitive seller offers such that the lower the offer, the better the seller's offer is for the item. In fact, Gupta teaches an auction where bids are strictly descending. Gupta's reverse auctioneer may simply reject offers that exceed (are higher) than the current lowest offer price. This enforces that the auction is strictly descending...page 18 of response.

4) a bid price below the ask price, a short-bid, may be at any price regardless of all previous bids...

...Purchaser bids in Applicants' invention may be at any price regardless of all previous bid prices. Applicants' invention provides the means for purchasers to short bid which ultimately allows descending or ascending bids below a seller's asking price. Gupta does not disclose any means for multiple purchasers to bid any price on the same auction. (page 19 of response)

Art Unit: 3625

New searches were performed in view of the amended claim language and in view of applicant's arguments. Of particular interest are:

Naylor et al, US PG-PUB 20050131809 A1, which discloses

[0046] One or more fixed-price applications 304 may support fixed-price listing formats (e.g., the traditional classified advertisement-type listing or a catalogue listing) and buyout-type listings. Specifically, buyout-type listings (e.g., including the Buy-It-Now (BIN) technology developed by eBay Inc., of San Jose, Calif.) may be offered in conjunction with an auction-format (or other dynamic pricing format) listing, and allow a buyer to purchase goods or services, which are also being offered for sale via an auction, for a fixed-price that is typically higher than the starting price of the auction.

Popovich, US PG-PUB 20040024682 A1, which discloses, in part,

[0017] Many Internet auction sites feature an "immediate purchase" option, which eBay Inc. calls "Buy It Now" and Yahoo! Inc. calls "Buy Now". This option allows the seller, at the time he is listing an item, to specify a price at which he is willing to sell this item without waiting for the auction to end. When the item's listing appears on the web site of the online auction, the "immediate purchase" price is displayed along with the item description. Any buyer willing to pay the "immediate purchase" price can purchase the item instantly, without waiting for the auction to end.

Das et al., US PG-PUB 20020147675 A1, which discloses, in part,

[0005] A second partial solution to the problem of having to continuously monitor auctions that has been adopted by auction sites like eBay and Amazon is to offer a bidding proxy, which allows the participant to specify beforehand a maximum price that she is willing to bid. The bidding proxy will automatically increment the participant's bid whenever she is outbid, up to the specified maximum price. However, this fails to capture anything approaching the full range of bidding strategies that a user might wish to employ. For instance, a common strategy used by eBay bidders, called "sniping", is to wait until the last few seconds of an auction and then overbid the current best bid--something that cannot be expressed by the simple proxy offered by eBay.

However, the prior art neither anticipates nor renders obvious the combination,

inter alia:

placing a bid on the item, including setting a bid price, where the bid price may be any price regardless of the asking price for the item and regardless of any bid prices on other bids, if any, for the item, where the bid becomes a short-bid contract when the bid price is less than the asking price, and where the bid is placed via a bid creator user interface by any one of a potential number of purchasing bidders at a second client computer;

providing the seller with information on the short-bid contracts, if any, for the item, and receiving from the seller an indication of whether to accept any particular short-bid contract, where the providing and receiving are performed by the seller via a bid review user interface at the first client computer; and

Art Unit: 3625

at the auction website, executing a short-bid sale of the item in a particular short-bid contract upon receipt of the acceptance indication for the particular short-bid contract.

The closest non-patent literature is Keskinocak *Quantitative analysis for Internet-enabled supply chains*, ***Interfaces***, Pinar Keskinocak, Sridhar Tayur. *Interfaces*.

Linthicum: Mar/Apr 2001. Vol. 31, Iss. 2; pg. 70, downloaded from ProQuest Direct on the Internet on 08 June 2009, 20 pages.

However, Keskinocak neither anticipates nor renders obvious the combination, *inter alia*:

placing a bid on the item, including setting a bid price, where the bid price may be any price regardless of the asking price for the item and regardless of any bid prices on other bids, if any, for the item, where the bid becomes a short-bid contract when the bid price is less than the asking price, and where the bid is placed via a bid creator user interface by any one of a potential number of purchasing bidders at a second client computer;

providing the seller with information on the short-bid contracts, if any, for the item, and receiving from the seller an indication of whether to accept any particular short-bid contract, where the providing and receiving are performed by the seller via a bid review user interface at the first client computer; and

at the auction website, executing a short-bid sale of the item in a particular short-bid contract upon receipt of the acceptance indication for the particular short-bid contract.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES ZURITA whose telephone number is (571)272-6766. The examiner can normally be reached on 8am-5pm.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Zurita/
Primary Examiner
Art Unit 3625
8 June 2009